

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**SPASSKY ALCEQUIECZ,**

**Petitioner,**

**v.**

**KELLY RYAN,**

**Respondent.**

**Civil Action No. 14-11695-DJC**

**ORDER**

**CASPER, J.**

May 28, 2014

On April 7, 2014, Spassky Alcequiecz filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The petitioner did not submit the \$5.00 filing fee or a motion for leave to proceed *in forma pauperis* with the petition. On April 11, 2014, the Court ordered him to pay the filing fee or seek leave to proceed *in forma pauperis*.

In response to the Court's order, Alcequiecz filed an objection (D. 6), representing that, prior to the filing of the action, he had asked prison officials to withdraw \$5.00 from his prison account to pay the fee. He included a copy of a prison account statement dated April 18, 2014 which indicates that on April 3, 2014, \$5.00 was withdrawn from his account with the notation "Filing Fee-U.S. District Court-Clerks Department." However, the Clerk's office does not have a record of receipt of the check.

The Clerk has spoken with the Treasurer's Office and learned that, for unknown reasons, the check was returned to the prison and voided.

Accordingly, the Court directs the plaintiff to pay the \$5.00 filing fee within 35 days. The petition and motion for stay and abeyance shall be served pending resolution of the filing fee. A separate service order shall issue.

**So ordered.**

/s/ Denise J. Casper  
United States District Judge